



County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
(619) 338-2222 FAX (619) 338-2088
1-800-253-9933
www.sdcdeh.org

FINAL DRAFT

June 26, 2006

EV, LLC
c/o Robert G. Russell, Esq.
Procopio Cory Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, CA 92101

Dear Mr. Russell:

CERTIFICATE OF COMPLETION
CAL-EPA SITE DESIGNATION COMMITTEE RESOLUTION NO. 03-05
VOLUNTARY ASSISTANCE PROGRAM, FILE H09532-002
13TH & 14TH STREETS REDEVELOPMENT PROJECT (EASTERN PORTION)/
MARKET STREET VILLAGE REDEVELOPMENT PROJECT (14TH & MARKET)
ASSESSOR PARCEL NUMBERS 535-144-03, 535-144-04, 535-144-05, 535-144-06, 535-144-07, 535-144-08, 535-144-09, 535-144-10, 535-144-11, 535-144-12, AND 535-144-13
SAN DIEGO, CALIFORNIA, 92101

On August 4, 2003 EV LLC, in cooperation with the Centre City Development Corporation (CCDC) and the Redevelopment Agency of the City of San Diego (the RDA) requested that the state Site Designation Committee designate the County of San Diego Department of Environmental Health ("County DEH") as the Administering Agency under Chapter 6.65 of Division 20 of the Health and Safety Code (sections 25260 *et seq.*) ("Chapter 6.65"), to oversee the Site Investigation and Remedial Action for the following Assessor Parcel Numbers: 535-144-03, 535-144-04, 535-144-05, 535-144-06, 535-144-07, 535-144-08, 535-144-09, 535-144-10, 535-144-11, 535-144-12, 535-144-13, 535-145-04, 535-145-05, and 535-145-08. This request also specified that the cleanup would be conducted pursuant to the Polanco Act, under County supervision. County DEH was designated as the administering agency by the committee (See Resolution No. 03-05 attached as Exhibit "A" to this Certificate, dated October 1, 2003), and was also selected by the RDA to provide oversight under the Polanco Act.

On July 13, 2004, Environmental Business Solutions ("EBS"), on behalf of EV, LLC, submitted a Letter Report of Subsurface Investigation Activities and Property Mitigation Plan and Soil Re-Use Plan for the Property Located between Market and G Streets and 14th & 15th Streets, San Diego, California (Site). The plan was approved on August 9, 2004. On January 28, 2005, Leighton & Associates, Inc., on behalf of EV, LLC, submitted a Remedial Excavation Report for the Site, which was supplemented by Addendum on May 24, 2005. The EBS and Leighton reports are associated only with, and this Certificate of Completion applies only to, Assessor Parcel Numbers 535-144-03, 535-144-04, 535-144-05, 535-144-06, 535-144-07, 535-144-08, 535-144-09, 535-144-10, 535-144-11, 535-144-12, and 535-144-13. The DEH expects that a proposed remedial action plan for Assessor Parcel Numbers 535-145-04, 535-145-05, 535-145-08 will be submitted under a new VAP. VAP H04874-005 is closed with the issuance of this Certificate of Completion, and a new VAP will cover the future work associated with Assessor Parcel Numbers 535-145-04, 535-145-05, and 535-145-08.

In accordance with Health & Safety Code Section 25264, as Administering Agency and after appropriate consultation with other agencies, and following a 60-day review period, County DEH has determined that the Site Investigation and Remedial Action at the above-reference Site has been satisfactorily completed, and that a permanent remedy has been accomplished [25264(b)]. Actions taken are described in the case closure summary attached as Exhibit "B."

As the Administering Agency, County DEH certifies that applicable remedial action standards and objectives were achieved [25263(b)], and issues this Certificate of Completion pursuant to Health and Safety Code Sections 25264(b). Except as provided in Health and Safety Code sections 25264(b) and 25265, this Certificate of Completion constitutes a determination that the Responsible Party, EV, LLC, has complied with the requirements of all state and local laws, ordinances, regulations, and standards that are applicable to the Site Investigation and Remedial Action for which this Certificate is issued [25264(c)].

This Certificate of Completion is subject to conditions specified in Exhibit "C" attached

State law limits the actions that agencies other than the County DEH may take against the Responsible Party, EV, LLC, with respect to the hazardous materials release that was the subject of the Site Investigation and Remedial Action for which this Certificate is issued. See Health and Safety Code Section 25264(c) and (d).

This Certificate of Completion is issued effective this **June 26, 2006**, by the County of San Diego Department of Environmental Health, as Administering Agency.

Additionally, pursuant to County DEH authority as the designated agency for purposes of the Polanco Act cleanup program, in accordance with California Health & Safety Code section 33459.3(c), County DEH finds that the conditions of California Health & Safety Code section 33459.3(l) have been met. Therefore, County DEH hereby certifies that the remedial action plan for Assessor Parcel Numbers 535-144-03, 535-144-04, 535-144-05, 535-144-06, 535-144-07, 535-144-08, 535-144-09, 535-144-10, 535-144-11, 535-144-12, 535-144-13 has been completed, and the immunities provided by California Health & Safety Code section 33459.3 are in effect. These immunities are limited by the provisions set forth in California Health & Safety Code section 33459.3(g)-(k).

Please contact George McCandless at 619-338-2259, if you have questions regarding this matter.

Sincerely,

GARY W. ERBECK, Director
Department of Environmental Health

GWE:JCS:ae:kd

Attachments: List of all support agencies
Certificate of Completion Exhibits A, B, and C

cc: Mr. Don Johnson, Chair, Site Designation Committee
Ms. Laurie Grouard, Site Designation Committee
Linda Beresford, Esq., Oppen & Varco LLP, counsel for the Redevelopment
Agency of the City of San Diego and the Centre City Development Corporation